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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/693,511

10/20/2000

Joel E. Short

42253/205408

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04/11/2006

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EXAMINER

DUONG, THOMAS

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/693,511

Applicant(s)

SHORT ET AL.

Examiner

Thomas Duong

Art Unit

2145

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

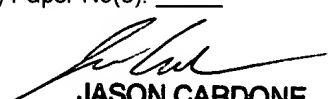
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1, 3-11, 13-16, 18, and 20-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attachment sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


JASON CARDONE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Argument

1. The Applicants' arguments filed on March 15, 2006 have been fully considered, but they are not persuasive.
2. With regard to claims 1, 6-7, 15, 18, and 21-22, the Applicants point out that,
 - *The Final Office Action cites Merchant as disclosing a location-specific connection port. To the contrary, Applicants respectfully submit that no such disclosure exists in Merchant and thus, Merchant fails to teach or suggest a location-specific connection port.*
 - *However, there is no teaching or suggestion in Rijhsinghani, in general, or the cited passage, in particular, that the VLAN tag is associated with a location-specific connection port as claimed in independent claim 1.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Merchant discloses that "VLANs *may be created to combine workstations by department*" (Merchant, col.1, lines 22-23); and, it is a very well known business practice to group members of a department together to a general location such as a floor of a building, or a building itself, as in the case of a specific department in a university for example. In addition, the Applicants even admit that Merchant suggests of "*for example, a VLAN group was specifically defined to correlate to a specific location*" (pg.3, lines 12-13).

Furthermore, Rijhsinghani discloses, *"a switch control detects a communication from the local area network at the first port and identifies a virtual local area network over which the communication is to be transmitted based upon rules of precedence for different types of virtual local area networks"* (Rijhsinghani, col.6, lines 55-60). This clearly shows that the switch has the ability to identify that a specific port is associated with a particular virtual local area network or VLAN. And also, it is a fact that any particular port is location specific, in the sense, that a network administrator would know exactly where to troubleshoot or service the device connected to the port.

Furthermore, Denning teaches a *"geodetic location, as calculated from a location signature, adds a fourth and new dimension to user authentication and access control. It can be used to determine whether a person is attempting to log in from an approved location, e.g., a user's office building or home"* (Denning, pg.2, para.2).

Hence, Denning teaches of a network that can authenticate the user via the location signature of the user identifying the exact location of the user.